

**IN THE CLAIMS:**

Please amend the claims as follows:

1. (Currently Amended) A transformant ~~obtainable by transforming~~ comprising a host cell, ~~where~~ wherein a polyhydroxybutanoic acid polymerase gene in the host cell is disrupted; with a recombinant vector containing a DNA selected from the group consisting of a polyester polymerase gene, a  $\beta$ -ketothiolase gene, and a NADPH-acetoacetyl CoA reductase gene.

2. (Currently Amended) The transformant of claim 1, wherein the polyester polymerase gene comprises a DNA encoding ~~the following~~ a protein (a) or (b) selected from the group consisting of:

(a) a protein having an amino acid sequence represented by SEQ ID NO:2 or 4, ~~or~~ and

(b) a protein having an amino acid sequence including deletion, substitution, or addition of one or more amino acids relative to the amino acid sequence represented by SEQ ID NO:2 or 4, and having polyester polymerase activity, wherein the number of deleted, substituted, or added amino acids is between 2 and 5 or between 5 and 10.

3. (Currently amended) The transformant of claim 1, wherein the polyester polymerase gene comprises ~~the following DNA~~ (a) or (b):

(a) ~~a DNA having~~ a nucleotide sequence represented by SEQ ID NO: 1 or 3, ~~or~~

(b) ~~a DNA hybridizing to a DNA containing a nucleotide sequence of SEQ ID NO:1 or 3 under stringent conditions, and encoding a protein with polyester polymerase activity.~~

4. (Currently Amended) The transformant of claim 1, wherein the  $\beta$ -ketothiolase gene comprises a DNA encoding ~~the following a~~ protein ~~(a) or (b)~~ selected from the group consisting of:

(a) a protein having an amino acid sequence represented by SEQ ID NO:6, ~~or~~ and

(b) a protein having an amino acid sequence including deletion, substitution, or addition of one or more amino acids relative to the amino acid sequence represented by SEQ ID NO:6, and having  $\beta$ -ketothiolase activity, wherein the number of deleted, substituted, or added amino acids is between 2 and 5 or between 5 and 10.

5. (Currently Amended) The transformant of claim 1, wherein the  $\beta$ -ketothiolase gene comprises ~~the following DNA~~ ~~(a) or (b):~~

(a) ~~a DNA having a nucleotide sequence represented by SEQ ID NO:5, or~~

(b) ~~a DNA hybridizing to a DNA containing a nucleotide sequence of SEQ ID NO: 5 under stringent conditions, and encoding a protein with  $\beta$ -ketothiolase activity.~~

6. (Currently Amended) The transformant of claim 1, wherein the NADPH-acetoacetyl CoA reductase gene comprises a DNA encoding ~~the following a~~ protein ~~(a) or (b)~~ selected from the group consisting of:

(a) a protein having an amino acid sequence represented by SEQ ID NO:8, ~~or~~ and

(b) a protein having an amino acid sequence including deletion, substitution, or addition of one or more amino acids relative to the amino acid sequence represented by SEQ ID NO:8, and having NADPH-acetoacetyl CoA reductase activity, wherein the number of deleted, substituted, or added amino acids is between 2 and 5 or between 5 and 10.

7. (Currently Amended) The transformant of claim 1, wherein the NADPH-acetoacetyl CoA reductase gene comprises ~~the following DNA (a) or (b):~~

(a) ~~— a DNA having a nucleotide sequence represented by SEQ ID NO:7, or~~

(b) ~~— a DNA hybridizing to a DNA containing a nucleotide sequence of SEQ ID NO: 7 under stringent conditions, and encoding a protein with NADPH-acetoacetyl CoA reductase activity.~~

8. (Currently Amended) The transformant of claim 1 ~~which is~~ wherein the host cell is a bacterium belonging to the genus *Pseudomonas* or the genus *Ralstonia*.

9. (Original) The transformant of claim 8, wherein the bacterium belonging to the genus *Pseudomonas* is *Pseudomonas* sp. strain 61-3 (JCM10015).

a<sup>2</sup>  
10. (Currently Amended) A method of producing copolymer polyester ~~which comprises~~ comprising the steps of culturing the transformant of any one of claims 1 to 9, and collecting polyester from the culture product.

11. (Original) The method of producing copolymer polyester of claim 10, wherein the polyester comprises 3-hydroxyalkanoic acid units with a carbon number of 4 to 12.

12. (Original) The method of producing copolymer polyester of claim 11, wherein the 3-hydroxyalkanoic acid units contain 3-hydroxybutanoic acid with 80 to 95% molar fraction.

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Please add the following new claims:

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13. (New) The transformant of claim 1, wherein the polyester polymerase gene comprises a DNA that hybridizes to a DNA consisting of a nucleotide sequence of SEQ ID NO:1 or 3 under stringent conditions and encoding a protein with polyester polymerase activity, wherein the stringent conditions include a temperature of 55 to 68 °C, and a sodium concentration of 250 to 400 mM.

14. (New) The transformant of claim 1, wherein the  $\beta$ -ketothiolase gene comprises a DNA that hybridizes to a DNA consisting of a nucleotide sequence of SEQ ID NO:5 under stringent conditions and encoding a protein with  $\beta$ -ketothiolase activity, wherein the stringent conditions include a temperature of 55 to 68 °C, and a sodium concentration of 250 to 400 mM.

a<sup>3</sup>

15. (New) The transformant of claim 1, wherein the NADPH-acetoacetyl CoA reductase gene comprises a DNA that hybridizes to a DNA consisting of a nucleotide sequence of SEQ ID NO:7 under stringent conditions and encoding a protein with NADPH-acetoacetyl CoA reductase activity, wherein the stringent conditions include a temperature of 55 to 68 °C, and a sodium concentration of 250 to 400 mM.--

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